



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,637	04/17/2001	Alberto Borgonovo	PA000007	7204

7590 01/27/2005
Thomson Multimedia Licensing Inc.
Patent Operation
Two Independence Way
P. O. Box 5312
Princeton, NJ 08543-5312

EXAMINER

GRAHAM, ANDREW R

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/836,637
Filing Date: April 17, 2001
Appellant(s): BORGONOVO, ALBERTO

Patricia Verlangieri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 7, 2004.

Art Unit: 2644

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The examiner agrees that all pending claims, Claims 1-5, stand or fall together, as stated by the appellant.

(8) Claims Appealed

A substantially correct copy of appealed claims 1-5 appears on page 1 of the Appendix to the appellant's brief. The minor errors are as follows:

- “an” from line 6 of finally rejected version of Claim 1 has been changed to “a” in the version of the claims in the appendix of the appeal brief, apparently to correct a grammatical error
- “chat” from line 2 of the finally rejected version of Claim 2 has been changed to “that” in the version of the claims in the appendix of the appeal brief, apparently to correct a typographical error

(9) Prior Art of Record

6335974

KUNIMOTO

1-2002

(10) Grounds of Rejection

Claims 1-5 are rejected under 35 U.S.C. 102(e). This rejection, incorporated herein by reference, is set forth on page 2 of a prior Office Action, mailed on October 28, 2003.

(11) Response to Argument

On page 4, lines 14-18, the appellant has stated, “Kunimoto does not describe or suggest an electronic device having a cabinet including a main cabinet for housing electrical and mechanical components of the electronic device, as well as a loudspeaker cabinet that is separate from the main cabinet and is connected to the outside of the main cabinet in a non-detachable manner”. The examiner respectfully disagrees. Kunimoto teaches an electronic device (television set; col. 3, lines 20-21) having a cabinet (overall external housing comprising walls of

Art Unit: 2644

2 and 3, Figure 1) including a main cabinet (space bordered by 2 and surface of 8 that faces tube (7)); Figure 2) for housing electrical and mechanical components of the electronic device (such as cathode ray tube (7); col. 4, lines 10-14), as well as a loudspeaker cabinet (space bordered by 3, 4, 9, and surface of 8 that faces panel 3; col. 3, lines 65-67 and col. 4, lines 1-17; described by Kunimoto as "closed space" in col. 5, lines 13-20) that is separate from the main cabinet (inside surface of "boxlike conductor 8" as well as facing surfaces of 3, 4, and 9 form a "closed space"; col. 3, lines 65-67; col. 4, lines 1-24; col. 5, lines 13-20) and is connected to the outside of the main cabinet (share a common border at wall (8); Figure 2) in a non-detachable manner (affixed by buffer member (9) without gap or clearance such that the connection may withstand vibrations; col. 4, lines 24-40). The fact that Kunimoto does not use the word "cabinet" to describe this "closed space" from which "a gap from being made when assembling the panel portion 3 and the sound conductor 8" is prevented, does not preclude the interpretation that the physical components (3,4,8,9) that border this space define a "cabinet", in view of the general definition of a cabinet being "a small room providing seclusion" as noted on page 3, lines 9 and 10 in the final office action of October 28, 2003.

On page 4, lines 18-21, the applicant has stated, "Kunimoto only teaches an acoustic apparatus having a cabinet including woofers and tweeters positioned within such cabinet and adjacent to a cathode ray tube". The examiner respectfully disagrees. As discussed in more detail in the above paragraph, the conductor means (8), front panel (3), woofer (4), and buffer (9) physically define a space that is not connected with another space inside the overall housing. The concept of such the speakers, particularly the woofer, being adjacent or not adjacent to the cathode ray tube is not addressed in the presently submitted claim language. Rather, the

Art Unit: 2644

loudspeaker cabinet, not necessarily the loudspeaker, is required by the claim language of Claim 1 to be separate from the main cabinet. The relevant claim language of Claim 1 does not define a relationship between the loudspeaker and the loudspeaker cabinet beyond the notion that the cabinet is “for the loudspeaker”. As the cabinet guides the output of the woofer and prevents sound leakage, as disclosed in column 4, lines 10-14 and 36-42 of Kunimoto, the association defined by the adjective use of “loudspeaker” in the phrase “loudspeaker cabinet” and the phrase “for said loudspeaker” in Claim 1 is met by the teachings of Kunimoto.

As the appellant’s arguments center around the interpretation and rejection of Claim 1, for the sake of clarity, a detailed rejection of Claim 1 is as follows.

Kunimoto discloses:

A cabinet (overall housing 2, Figure 1) for an electronic device (television set; col. 3, lines 20-21) equipped with a loudspeaker (4) for audio reproduction (col. 3, lines 60-64) characterized in that said cabinet (2) comprises a main cabinet (space bordered by 2 and surface of 8 that faces tube (7)); see Figure 2) for housing electrical and mechanical components (such as cathode ray tube (7); col. 4, lines 10-14) of the electronic device and further comprises a loudspeaker cabinet (space bordered by 3, 4, 9, and surface of 8 that faces panel 3, col. 3, lines 65-67 and col. 4, lines 1-17; described by Kunimoto as “closed space” in col. 5, lines 13-20) for said loudspeaker (“for” in the sense that sound waves from 4 are guided by 8 and 3; col. 5, lines 5-12)

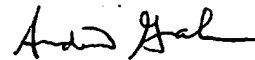
said loudspeaker cabinet being separate from said main cabinet (“closed space”; col. 5, lines 13-20) and connected to the outside of the main cabinet in a non-detachable manner

Art Unit: 2644

(affixed by buffer 9 without gap or clearance such that the connection may withstand vibrations;
col. 4, lines 24-40).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Andrew Graham

January 10, 2005

Conferees
Huyen Le
Curtis Kuntz


HUYEN LE
PRIMARY EXAMINER
CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Thomson Multimedia Licensing Inc.
Patent Operation
Two Independence Way
P. O. Box 5312
Princeton, NJ 08543-5312